

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**CSX TRANSPORTATION, INC.'S MOTION TO TAKE
THE DE BENE ESSE DEPOSITION OF CHRIS LUEBBERS**

COMES NOW Plaintiff CSX Transportation, Inc. ("CSX"), by counsel, under Local Civil Rules 7, 16 and 30, and Fed. R. Civ. P. 16, 30 and 32, respectfully moves this Court for an Order reopening discovery for the sole purpose of allowing CSX to take a *de bene esse* deposition of Christopher Luebbers, NS's current Assistant Vice President of Planning and Yield for Intermodal. In support of this Motion, CSX refers this Court to its contemporaneously filed Memorandum in Support, which is incorporated herein by reference.

WHEREFORE, for the reasons stated in the accompanying Memorandum in Support, CSX respectfully requests that the Court order discovery reopened for the sole purpose of allowing CSX to take a *de bene esse* deposition of Mr. Luebbers.

A proposed order granting the request relief is attached as **Exhibit 1** to this Motion.

Dated: December 9, 2022.

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 9th day of December, 2022, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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